

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Cenegenics, LLC,

Plaintiff,

v.

Healthgains, et al.,

Defendants.

Case No. 2:19-cv-00438-GMN-BNW

ORDER

Plaintiff Cenegenics moves to file certain documents under seal (attorney billing records attached to its Renewed Motion for Attorney Fees and portions of the Murphey Affidavit that reflect confidential negotiated billing rates). These documents are currently filed under seal at ECF No. 43-1. The redacted version of these documents are filed at ECF No. 41-1. No opposition to the motion to seal was filed.

Generally, the public has a right to inspect and copy judicial records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Such records are presumptively publicly accessible. *Id.* Consequently, a party seeking to seal a judicial record bears the burden of overcoming this strong presumption. *Id.* In the case of dispositive motions, the party seeking to seal the record must articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process. *Id.* at 1178-79 (alteration and internal quotation marks and citations omitted). The Ninth Circuit has further held that the full presumption of public access applies to technically non-dispositive motions and attached documents as well, as long as the motion is “more than tangentially related to the merits of the case”. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016).

Here, the motion in question is not dispositive and the sealed information is not more than tangentially related to the merits of the case. As a result, the good cause standard applies. The documents in question contain negotiated billing rates for Cenegenics' attorneys, which is not information that is generally available to the public or to Cenegenics' attorneys' competitors. Disclosure could therefore harm Cenegenics' ability to negotiate rates in the future, and disadvantage Cenegenics' counsel in negotiating rates for work. Additionally, the billing records contain descriptions of the work performed by Cenegenics' attorneys, which constitute confidential information and may contain confidential attorney work product. All these reasons constitute good cause for the sealing of these documents.

IT IS FURTHER ORDERED that Plaintiff's exhibit at ECF No. 43-1 will remain sealed and that the exhibit at ECF No. 41-1 will remain as currently redacted.

DATED: December 1, 2020.

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